IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH, NAGPUR

C.A. No.6315 of 2001 in

MCA St. No.22169 of 2001 in

S.A.No.137 of 1999

-=-

Office Notes, Memoranda of Coram, appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

-=-

CORAM **:** D.D.Sinha, J.

DATE **:** January 19**,** 2007.

Heard the learned counsel for the respective parties.

Civil Application No.6315 of 2001 is for condonation of delay in filing the review application. Following facts are not in dispute :

The order impugned in the review application is passed in the Second Appeal by the learned Single Judge on 17.11.2000 and the applicant filed a Special Leave Petition before the Apex Court only in the month of October 2001 i.e. after lapse of considerable time and after expiry of time prescribed for filing of review application. It is nodoubt true that the Special Leave Petition was dismissed by the Apex Court on 1.10.2001 and in the present Civil Application, the applicant has given some reasons as to why he could not file review application before 20th October, 2001, however, there are no reasons whatsoever mentioned by the applicant as to

why the applicant could not file review application either within the period of limitation or within a reasonable period before filing Special Leave Petition in the Apex Court. There is absolutely nothing on record to demonstrate that the applicant was prevented either by legitimate cause or otherwise from filing review application before approaching the Apex Court and in absence thereof, in my considered view, the delay in filing the review application is not possible to be condoned since there are no reasons whatsoever to do so.

It is nodoubt true that the Court should have liberal view so far as condonation of delay in filing proceedings before the Court is concerned, however, we cannot lose sight of the fact that it is not an empty formality and law does not help those who sleep over their right without justification or reasons. In the instant case, the petitioner approached the Apex Court almost more than 10 months from the date of order passed by the learned Single Judge and as I have already observed hereinabove, there are no reasons whatsoever mentioned in the application for condonation of delay as to why the applicant could not file review application within a period of limitation or thereafter within the reasonable period.

For the reasons stated hereinabove, no case is made out for condoning delay. Consequently, the Civil Application

No.6315 of 2001 for condonation of delay in filing the review application is dismissed.

Since the application for condonation of delay itself is dismissed, the review application is also disposed of accordingly as barred by limitation. Interim relief stands vacated.

JUDGE

ssj